

APR 15 2015

David J. Bradley, Clerk of Court

A091 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

V.

Hector Javier BERMUDEZ
& Jesus Arael HERNANDEZ

CRIMINAL COMPLAINT

Case Number:

C-15-433M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 4/14/2015 in Brooks County, in the

(Date)

Southern District of Texas defendant(s), Hector Javier BERMUDEZ

& Jesus Arael HERNANDEZ

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:

Official Title

See Attached Affidavit of U.S. Border Patrol Agent

Marvin Williams

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

Marvin Williams

Printed Name of Complainant

Sworn to before me and signed in my presence,

April 15, 2015

Date

Jason B. Libby, U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State

Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information related to me by other agents and officers participating in the investigation.

On April 14, 2015, Falfurrias Border Patrol Agents encountered and arrested Hector Javier BERMUDEZ Jr. and Jesus Arael HERNANDEZ at the Falfurrias Border Patrol Checkpoint for transporting one undocumented alien. The undocumented alien was traveling as a backseat passenger

On April 14, 2015, Border Patrol Agent Hector Ortiz was performing inspection duties at the Falfurrias Border Patrol Checkpoint. At approximately 4:10 a.m., a black Chevrolet Silverado came to a stop and Agent Ortiz conducted an immigration inspection on the driver later identified as, Hector Javier BERMUDEZ Jr. Agent Ortiz asked if the driver if he was a United States Citizen and he stated that he was. Agent Ortiz then questioned the front passenger, later identified as Jesus Arael HERNANDEZ, if he was a United States Citizen and he stated he was. Agent Ortiz also questioned the backseat passenger, later identified as Salvador TORRES-Galvan, if he was a United States Citizen and replied "Yes" in broken English. Agent Ortiz then asked TORRES if he had any documentation that proved he was legally in the United States and TORRES gave Agent Ortiz a blank stare. At this point, Agent Ortiz referred to the secondary area BERMUDEZ for an immigration inspection of the backseat passenger.

While in secondary, Agent Ortiz questioned the backseat passenger TORRES if he was in the United States illegally and stated he was. Agent Ortiz then placed BERMUNDEZ, HERNANDEZ, and TORRES under arrest and escorted them inside the checkpoint for processing. Once inside the checkpoint, Agent Ortiz read them their rights in their preferred language.

MIRANDA WARNING:

Hector Javier BERMUDEZ Jr. was read his Miranda Rights by Agent Ortiz as per service for I-214 in English and witnessed by Border Patrol Agent J. Jeziorski. BERMUDEZ stated he understood his rights and agreed to answer questions without a lawyer present.

Jesus Arael HERNANDEZ was read his Miranda Rights by Agent Ortiz as per service form I-214 in English and witnessed by Border Patrol Agent J. Jeziorski. HERNANDEZ stated he understood his rights and agreed to answer questions without a lawyer present.

Salvador TORRES-Galvan was read his Miranda Rights by Agent Ortiz as per service form I-214 in Spanish and witnessed by Border Patrol Agent J. Jeziorski. TORRES stated he understood his rights and agreed to answer questions without a lawyer present.

PRINCIPAL STATEMENT:

BERMUDEZ was questioned about his involvement in the smuggling of the undocumented alien traveling with him in the vehicle. BERMUDEZ stated that he did not know TORRES was an undocumented alien. BERMUDEZ stated that he met TORRES at a cookout a couple of days ago at his home and that he had offered him a ride to Kennedy, Texas to apply for a job. BERMUDEZ stated that he did not get paid any money to drive him to the job site. No further questions were asked.

Record checks showed BERMUDEZ has a prior arrest for alien smuggling in 2012 out of McAllen, Texas.

CO-PRINCIPAL STATEMENT:

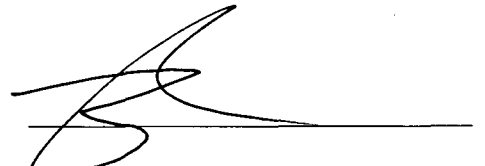
HERNANDEZ was questioned about his involvement in the smuggling of the undocumented alien traveling with him in the vehicle. HERNANDEZ stated that he did not know TORRES was an

undocumented alien. HERNANDEZ also stated that he met TORRES at a cookout a couple of days ago at Bermudez's home and that he had offered him a ride to Kennedy, Texas to apply for a job. HERNANDEZ stated that he did not get paid any money to drive him to the job site. No further questions were asked.

MATERIAL WITNESS STATMENT:

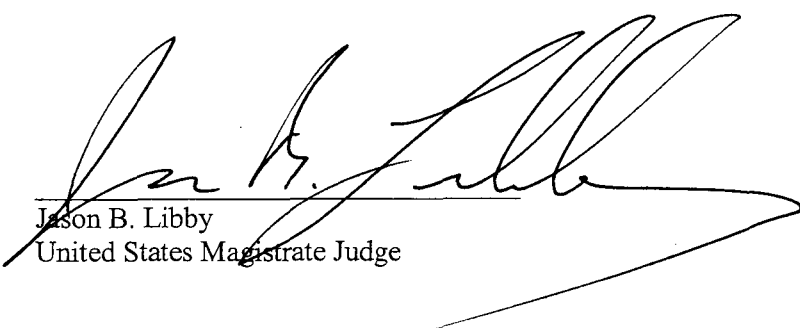
TORRES stated he had made arrangements with an unknown subject in Mexico and paid \$2,000 to be smuggled into the United States. TORRES stated after wading across the river he was picked up and taken to a house for approximately 5 days. TORRES stated after the 5 days he was picked up by an unknown subject and taken to a Burger King. TORRES stated BERMUDEZ and HERNANDEZ picked him up at the Burger King and were going to drop him off at an unknown location in Houston, Texas. TORRES stated he had never met BERMUDEZ or HERNANDEZ prior to picking him up at Burger King. TORRES stated BERMUDEZ and HERNANDEZ did know that he was illegal because BERMUDEZ told him to say he "yes sir" when asked if he was a United States Citizen. TORRES stated at no point did he give money to BERMUDEZ or HERNANDEZ. TORRES stated he was going to pay another \$2,000 to the unknown subject that was going to pick him up in Houston. TORRES was shown a photo lineup of both BERMUDEZ and HERNANDEZ. TORRES was able to positively identify both BERMUDEZ and HERNANDEZ as the driver and passenger who picked him up from the Burger King. No further questions were asked.

The facts of this case were presented to Assistant United States Attorney Kenneth Cusick who accepted Hector Javier BERMUDEZ Jr. and Jesus Arael HERNANDEZ for prosecution of 8 USC 1324, Alien Smuggling. Salvador TORRES-Galvan is being held as material witnesses in this case.



Marvin Williams Border Patrol Agent

Sworn to before me, signed in my presence, and
probable cause found on this day, April 15th, 2015



Jason B. Libby
United States Magistrate Judge